



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,381	07/25/2003	Kenneth William	128534-06201 (07028797)	3909
26565 MAYER BROWN LLP P.O. BOX 2828 CHICAGO, IL 60690	7590 07/28/2008			
EXAMINER				
JOO, JOSHUA				
ART UNIT		PAPER NUMBER		
2154				
MAIL DATE		DELIVERY MODE		
07/28/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/627,381

**Applicant(s)**

WILLIAM ET AL.

**Examiner**

JOSHUA JOO

**Art Unit**

2154

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Detailed Action***

1. This Office action is in response to communication dated 05/23/2008.

Claims 1-20 are presented for examination.

**Continued Examination Under 37 CFR 1.114**

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(c), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(c) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/05/2008 has been entered.

**Response to Arguments**

3. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection. New ground(s) of rejection are necessitated by Applicant's amendment.

**Drawings**

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the amended feature of "the associated formats including at least one specified translated human language" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a

drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

#### **Claim Rejections - 35 USC § 112**

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- i) Regarding claim 1, "the associated content items", "the corresponding associated formats", and "the associated formats" have insufficient antecedent basis. The claim comprises "a corresponding associated format" and "an associated content" item but not "items" and "formats". It is also unclear if "the associated formats" is referring to "the corresponding associated formats" or "a corresponding associate format".
- ii) Regarding claim 12, "the associated format", "the associated content items", and "the corresponding associated formats" have insufficient antecedent basis. The claim comprises "a corresponding associated format" and "an associated content" item but not "items" and "formats". It is also unclear if "the associated format" is referring to "a corresponding associate format".

#### **Claim Rejections - 35 USC § 103**

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1, 3-6, 8-9, 11-12, 14-18, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crook, US Publication #2003/0177203 (Crook hereinafter), in view of in view of Stuppy, US Publication #2007/0184423 (Stuppy hereinafter) and Ladd et al. US Publication #2004/0024897 (Ladd hereinafter).

9. As per claim 1, Crook teaches the invention as claimed including a method for converting a plurality of deliverables to a plurality of formats suitable for presentation, each deliverable including an associated content item and a corresponding associated format to which to convert the associated content item, the method comprising:

preparing the associated content items for conversion based on the corresponding associated formats (Paragraphs 0020-0021; 0025. Deliver document for conversion, which comprises information content associated with format codes including special codes. "preparing" considered as a process of creating, retrieving, or extracting content for HTML conversion. Paragraph 0023. Determine, i.e. "preparing", HTML code for formatting code.);

converting the associated content items, "the device" converts the associated content item to the corresponding associated format (Paragraph 0022. Translate formatting codes into HTML codes. Paragraph 0024. Generate links for special codes.);

compiling the converted deliverables for distribution over a plurality of delivery channels (Paragraph 0025. Translation results in HTML document. HTML document would comprise "compiled" HTML codes.); and

posting the content to the delivery channels; and delivering the content to a plurality of presentation devices (fig. 6. #230 Students. Page 5, claim 6. Deliver test to one or more person over network. Paragraph 0057. Deliver documents to students.).

10. Crook does not specifically teach the associated formats including at least one specified translated human language. Crook teaches of converting associated content items to corresponding associated formats but does not specifically teach of converting using a plurality of parallel processing threads, each thread corresponding to an associated deliverable, whereby each thread converts the associated content item to the corresponding associated format by using a plurality of parallel processing threads.

11. Stuppy teaches of converting deliverables to formats suitable for presentation, wherein associated content items include at least one specified translated human language (Paragraph 0067).

12. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings for the associated formats to include at least one specified translated human language. The motivation is that Stuppy's teachings would improve Crook's system by providing customized material to each student based on each of the student's profile.

13. Ladd teaches a system for transforming input data in a first format to output data in a second format, wherein a plurality of threads execute in parallel to format the input data to produce corresponding output format (fig. 1; Paragraph 0013).

14. It would have been obvious to one of ordinary in the art at the time the invention was made to combine the teachings convert the associated content items to a corresponding associated formats as taught by Crook by using a plurality of parallel processing threads, wherein each thread converts data in a first format to a corresponding second format as taught by Ladd. The motivation for the suggested combination is that Ladd's teachings of a plurality of parallel processing threads would improve the

performance of the suggested system by allowing simultaneous execution of processes and allowing scalability of the system (Paragraph 0020).

15. As per claim 12, Crook teaches the invention as claimed including a method for conversion of content items into a plurality of formats suitable for presentation, the method comprising:

providing a user interface that enables a user to enter a request for converting a plurality of deliverables to the formats suitable for presentation, each deliverable including an associated content item and a corresponding associated format to which to convert the associated content item (Paragraph 0020. Instructor delivers document for conversion. Paragraph 0021. Document comprises information content and format codes for conversion to HTML codes.);

preparing the associated content items for conversion based on the corresponding associated formats (Paragraphs 0020-0021; 0025. Deliver document for conversion, which comprises information content and format codes including special codes. "preparing" considered as a process of creating, retrieving, or extracting content for conversion. Paragraph 0023. Determine, i.e. "preparing", HTML code for formatting code.);

converting the associated content items, whereby "a device" converts the associated content item to the corresponding associated format (Paragraph 0022. Translate formatting codes into HTML codes. Paragraph 0024. Generate links for special codes.);

compiling the converted deliverables for distribution over a plurality of delivery channels (Paragraph 0025. Translation results in HTML document. HTML document would comprise "compiled" HTML codes.); and

posting the content to the delivery channels; and delivering the content to a plurality of presentation devices (fig. 6. #230 Students. Page 5, claim 6. Deliver test to one or more person over network. Paragraph 0057. Deliver documents to students.).

16. Crook does not specifically teach the associated formats including at least one specified translated human language. Crook teaches of converting associated content items to corresponding associated formats but does not specifically teach of converting using a plurality of parallel processing threads, each thread corresponding to an associated deliverable, whereby each thread converts the associated content item to the corresponding associated format by using a plurality of parallel processing threads.

17. Stuppy teaches of converting deliverables to formats suitable for presentation, wherein associated content items includes at least one specified translated human language (Paragraph 0067).

18. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings for the associated formats to include at least one specified translated human language. The motivation is that Stuppy's teachings would improve Crook's system by providing customized material to each student based on each of the student's profile.

19. Ladd teaches a system for transforming input data in a first format to output data in a second format, wherein a plurality of threads execute in parallel to format the input data to produce corresponding output format (fig. 1; Paragraph 0013).

20. It would have been obvious to one of ordinary in the art at the time the invention was made to combine the teachings convert the associated content items to a corresponding associated formats as taught by Crook by using a plurality of parallel processing threads, wherein each thread converts data in a first format to a corresponding second format as taught by Ladd. The motivation for the suggested combination is that Ladd's teachings of a plurality of parallel processing threads would improve the performance of the suggested system by allowing simultaneous execution of processes and allowing scalability of the system (Paragraph 0020).



21. As per claims 3 and 14, Crook teaches the invention of claims 1 and 12, wherein preparing the associated content items for conversion comprises customizing the associated content items (Paragraph 0063. Select design for the material. Paragraphs 0021; 0025. Prepare document comprising formatting codes including special codes.).

22. As per claims 4 and 15, Crook teaches the invention of claims 3 and 14, wherein customizing the associated content items comprises embedding within the associated content items objects related to the presentation (Paragraph 0022. Formatting codes. Paragraph 0024. Include special codes for designating link and URL.) and distribution of the associated content items (Paragraph 0021. Information content.).

23. As per claim 5, Crook teaches the method 1, wherein converting the associated content items comprises: parsing the associated content items to identify content to be presented; converting the parsed content to a page description language; and converting the page description language to the format suitable for presentation (Paragraph 0021-0024. Identify informational content and formatting codes. Convert formatting codes into HTML codes. Parsing is inherent to identify individual formatting codes.)

24. As per claims 6 and 16, Crook teaches the invention of claims 1 and 12, further comprising receiving a request to convert the plurality of deliverables to the plurality of formats suitable for presentation (Paragraphs 0020-0022. Convert document comprising of information content and format codes to HTML codes. Request is inherent to initiate conversion.) and transmitting the converted deliverables (fig. 6. #230 Students. Page 5, claim 6. Paragraph 0057.). Crook does not specifically teach the request including a selected delivery channel over which to distribute the converted deliverables.

25. Stuppy teaches a system for network based education, wherein an instructor may select a communication channel to communicate with student stations (claim 1; paragraph 0016) and transmit converted data (text to audio) to student stations (Paragraph 0054).

26. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings for the request to include a selected delivery channel to distribute converted content as taught Stuppy. The motivation for the suggested combination is that Stuppy's teachings would improve the suggested system by enabling an instructor to interactively communicate with students individually to provide assistance on an individual basis.

27. As per claims 8 and 17, Crook teaches of distributing the converted deliverables but does not specifically over the selected delivery channel.

28. Stuppy teaches a system for network based education, wherein an instructor may select a communication channel to communicate with student stations (claim 1; paragraph 0016) and transmit converted data (text to audio) to student stations (Paragraph 0054).

29. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings to distribute the converted deliverables over the selected delivery channel. The motivation for the suggested combination is that Stuppy's teachings would improve the suggested system by enabling an instructor to interactively communicate with students individually to provide assistance on an individual basis.

30. As per claim 9, Crook, Stuppy, Ladd taught the method of claim 8. Crook further teaches the invention, further comprising presenting the converted deliverables at a presentation client (fig. 6. #230 Students. Page 5, claim 6. Deliver test to one or more person over network. Paragraph 0057. Deliver documents to students.).

31. As per claim 18, Crook teaches the method of claim 12, further comprising presenting the converted deliverables at a presentation client (fig. 6. #230 Students. Page 5, claim 6. Deliver test to one or more person over network. Paragraph 0057. Deliver documents to students.).

32. As per claims 11 and 20, Crook does not specifically teach the invention of claims 9 and 18, wherein presenting the deliverables at the presentation client comprises presenting an audible version of the deliverables at the presentation client.

33. Stuppy teaches a system for network based education, wherein the system may transmit an audible version of content to student stations (Paragraph 0054).

34. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings to present an audible version of content at the student station(s) as taught by Stuppy. The motivation for the suggested combination is that Stuppy's teachings would improve the suggested system by maintaining continuity between sessions as suggested by Stuppy and allowing online testing with people with disabilities as suggested by Banerjee et al (US Publication #2002/0155419).

35. Claims 2 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crook, Stuppy, and Ladd, in view of Livnat, US Publication #2001/0037379 (Livnat hereinafter).

36. As per claims 2 and 13, Crook does not specifically teach the invention of claims 1 and 12, wherein the associated formats include a specified time window when content presentation is authorized.

37. Livnat teaches a system for controlling access to content, wherein a specified time window when content presentation is authorized can be defined (Paragraphs 0033; 0036-0037).

38. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the suggested system with the teachings of Livnat to define a specified time window when content presentation is authorized. The motivation for the suggested combination is that Livnat's teachings would improve the suggested system by enabling controlled and granted access to content on a network, in which students may be provided with different access rights.

39. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Crook, Stuppy, and Ladd, in view of Huetsch et al, US Publication #2002/0049842 (Huetsch hereinafter).

40. As per claim 7, Crook does not specifically teach the method of claim 6, further comprising logging the request in a request history.

41. Huetsch teaches of maintaining a client request history (Paragraph 0037).

42. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings to maintain a client request history. The motivation for the suggested combination is that Huetsch's teachings would allow efficient processing of user requests through caching content and routing requests to an appropriate process.

43. Claims 10 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crook, Stuppy, and Ladd, in view of Gillford et al, US Publication #2003/0123622 (Gifford hereinafter).

44. As per claims 10 and 19, Crook does not specifically teach the invention of claims 9 and 18, wherein presenting the deliverables at a presentation client comprises presenting a printed version of the deliverables at the presentation client.

45. Gifford teaches of receiving content, where the content may be converted to a printed version such as FAX messages (Paragraph 0156).

46. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings to convert data into printed version. The motivation for the suggested combination is that Gifford's teachings would enhance the suggested system by enabling students to receive content in an additional different format that may be of assistance to the student(s)'s education.

#### **Conclusion**

47. A shortened statutory period for reply to this Office action is set to expire THREE MONTHS from the mailing date of this action.

48. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua Joo whose telephone number is 571 272-3966. The examiner can normally be reached on Monday to Thursday 8AM to 5PM and every other Friday.

49. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on 571 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

50. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit: 2143

/Nathan J. Flynn/

Supervisory Patent Examiner, Art Unit 2143